

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI

DAVID SMITH and RITA SMITH,)	
)	
Plaintiffs,)	
)	
v.)	Case No.:
)	
SAXON MORTGAGE SERVICES, INC.,)	
)	
Defendant.)	

COMPLAINT

COME NOW the plaintiffs, and for their causes of action against the defendant, allege and state:

1. That plaintiffs are individuals and citizens of the State of Missouri.
2. That Saxon Mortgage Service, Inc., is a Texas corporation with its principle place of business in the State of Texas and therefore a citizen of the State of Texas.
3. That this Court has subject-matter jurisdiction due to the diversity of citizenship and the amount in controversy and subject-matter jurisdiction due to the Federal Question under the Fair Debt Collection Practices Act.
4. That defendant has established a computer program whereby defendant has called plaintiffs' home, more than once per day, for months at a time, with regard to Branon Ralston.

5. Plaintiffs have advised the defendant that Branon Ralston is unknown to them.

6. The defendant is a debt collector.

7. Defendant has been advised that plaintiffs herein have no relationship whatsoever to defendant and any debt the defendant is trying to collect.

8. The Missouri Attorney General has been involved and defendant has promised on more than one occasion, to stop harassing the plaintiffs.

9. The harassment has continued.

10. Defendant's actions are a violation of the Fair Debt Collection Practices Act.

11. Defendant's actions are outrageous.

12. Defendant's actions are an invasion of privacy.

13. As a result of defendant's actions, plaintiffs have been damaged.

14. Defendant's actions in continuing to harass the plaintiffs after numerous requests to stop and after involvement of the Missouri Attorney General's office are intentional and plaintiffs are entitled to an award of punitive damages.

15. Plaintiffs are entitled to recover damages for violations of the Fair Debt Collection Practices Act including a penalty for every phone call made to plaintiffs' home after defendant was requested to stop.

16. Plaintiffs are entitled to an award of attorney's fees from the defendant.

WHEREFORE, plaintiffs pray for judgment against the defendant for actual damages in the sum of \$100,000.00, punitive damages in the sum of \$1,000,000.00, attorney's fees, the cost of the action, and further relief determined by the Court to be just and equitable.

SCHMITT, MANZ, SWANSON & MULHERN, P.C.

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